

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on March 11, 2009 at 10
A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Verdell Jackson, Vice Chairman (R)
Sen. Jim Peterson (R)
Sen. Carolyn Squires (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 386, HB 283, HB 204, 3/4/2009

Executive Action: HB 283, HB 204, HB 119

HEARING ON HB 386

Opening Statement by Sponsor:

00:00:01 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 386, Right of disposition - funeral.

Proponents' Testimony:

00:03:19 Scott Gilligan, General Counsel, Montana Funeral Directors Association and National Funeral Directors Association

EXHIBIT (bus54a01)

00:05:31 Sen. Jackson arrived.

00:08:27 Terri Stevenson, Funeral Director in Miles City, and President, Montana Funeral Directors Association

00:10:40 Joe Stevenson, Funeral Director in Miles City

00:12:11 Irene Dahl, Funeral Director in Bozeman

00:15:55 Steve Yeakel, Executive Director, Montana Funeral Directors Association

Opponents' Testimony:

00:18:14 Andrea Olsen, Estate Planner, Montana Trial Lawyers Association

EXHIBIT (bus54a02)

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:44 Sen. Barkus

00:25:19 Steve Yeakel

Closing by Sponsor:

00:27:10 Rep. O'Hara

HEARING ON HB 204

Opening Statement by Sponsor:

00:29:06 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 204, Revise work comp law re independent contractor.

Proponents' Testimony:

00:31:41 Sen. John Esp, SD 31
00:32:43 Jerry Keck, Administrator, Employment Relations
Divison, Department of Labor and Industry (DOLI)
00:34:30 Bruce Spencer, self
00:35:24 Bob Worthington, Montana Self-Insurers Association, Co-
Vice Chair, Labor-Management Advisory Committee
00:36:57 Jason Miller, Montana based teamsters unions and Labor-
Management Advisory Committee
00:38:03 Riley Johnson, National Federation of Independent
Business
00:39:41 Spook Stang, Executive Vice President, Montana Motor
Carriers Association
00:40:16 Jason Todhunter, Montana Logging Association
00:40:39 Kevin Braun, Montana State Fund
00:40:59 Marvin Jordan, Director, Montana Contractors
Compensation Fund
00:41:37 Jacqueline Lenmark, American Insurance Association,
also speaking for Bruce Spencer, Property Casualty
Insurers Association
00:42:25 Webb Brown, Montana Chamber of Commerce

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:11 Sen. Tropila
00:43:18 Chairman Balyeat
00:45:03 Jerry Keck
[EXHIBIT \(bus54a03\)](#)
[EXHIBIT \(bus54a04\)](#)

00:45:30 Sen. Barkus
00:46:34 Jerry Keck
00:48:12 Chairman Balyeat
00:48:18 Sen. Stewart-Peregoy
00:49:33 Jerry Keck

Closing by Sponsor:

00:49:45 Rep. Ebinger

HEARING ON HB 283

Opening Statement by Sponsor:

00:50:45 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 283, Revise workers compensation act on exemptions, claims examiners, safety funding.

Proponents' Testimony:

00:53:07 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry (DOLI)
00:55:10 Jason Miller, Labor-Management Advisory Committee
00:57:23 Bob Worthington, Labor-Management Advisory Committee
00:59:31 Nancy Butler, Montana State Fund
00:59:51 Webb Brown, Montana Chamber of Commerce
01:00:25 Riley Johnson, National Federation of Independent Business, and member of Labor-Management Advisory Committee
01:01:14 Marvin Jordan, Executive Director, Montana Contractors Compensation Fund
01:01:32 Jacqueline Lenmark, American Insurance Association
01:01:51 Bruce Spencer, Property Casualty Insurers Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:19 Sen. Keane
01:02:45 Rep. Himmelberger
01:03:10 Sen. Keane
01:04:02 Jerry Keck
01:04:15 Sen. Tropila
01:04:19 Jerry Keck
01:04:44 Sen. Brown
01:05:15 Jerry Keck

Closing by Sponsor:

01:05:40 Rep. Himmelberger
01:06:53 Chairman Balyeat

Note: Sen. Jackson, Sen. Peterson, Sen. Squires, and Sen. Windy Boy were not present when Executive Action began.

EXECUTIVE ACTION ON HB 283

01:07:09 **Motion/Vote:** Sen. Brown moved that **HB 283 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Jackson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 204

01:08:20 **Motion/Vote:** Sen. Keane moved that **HB 204 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Peterson, Sen. Jackson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Keane will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 119

Note: Chairman Balyeat noted that prior Executive Action on 3/6/09 on HB 119 included adoption of two amendments: HB 11902.apm and HB 11903.apm. (See Exhibits on 3/6/09)

01:09:18 **Motion:** Sen. Barkus moved **TO AMEND HB 119. EXHIBIT (bus54a05)**

Discussion:

01:12:09 Sen. Barkus
01:12:40 Sen. Keane
01:13:25 Chairman Balyeat
01:15:21 Sen. Stewart-Peregoy
01:16:11 Sen. Barkus
01:16:53 Chairman Balyeat
01:17:17 Jerry Keck
01:17:27 Sen. Steinbeisser
01:18:00 Chairman Balyeat
01:18:15 Pat Murdo

01:18:20 **Substitute Motion:** Chairman Balyeat made a substitute motion **TO FURTHER AMEND HB 119 (Exhibit 5)**, by excluding the agriculture provision and taking a separate vote to include the agriculture provision.

01:19:17 Chairman Balyeat
01:19:32 Sen. Tropila
01:19:44 Chairman Balyeat

01:20:06 **Vote:** Motion carried 10-1 by voice vote. Sen. Brown voted no. Sen. Peterson, Sen. Squires, Sen. Jackson, and Sen. Windy Boy voted by proxy.

01:20:21 Sen. Brown

01:20:48 **Substitute Motion:** Chairman Balyeat made a substitute motion that **HB 119 AGAIN BE AMENDED** to add agriculture production back into the amendment (Exhibit 5) in Section 5, sub-paragraph d.

Note: The result is the original amendment, Exhibit 5.

Discussion:

01:21:10 Sen. Brown
01:21:14 Chairman Balyeat
01:21:30 Sen. Barkus
01:22:21 Sen. Keane
01:23:02 Chairman Balyeat
01:23:59 Sen. Brown
01:24:30 Sen. Keane
01:24:49 Chairman Balyeat
01:25:01 Sen. Stewart-Peregoy

01:26:07 **Vote:** Motion carried 8-3 by roll call vote. Sen. Stewart-Peregoy, Sen. Jackson, and Sen. Balyeat voted no. Sen. Peterson, Sen. Squires, Sen. Windy Boy, and Sen. Jackson voted by proxy.

01:27:37 **Motion/Vote:** Sen. Keane moved that **HB 119 BE CONCURRED IN AS AMENDED**. Motion carried 9-2 by roll call vote. Sen. Jackson and Sen. Balyeat voted no. Sen. Peterson, Sen. Squires, Sen. Windy Boy, and Sen. Jackson voted by proxy. Sen. Barkus will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 195

Discussion:

01:29:23 Pat Murdo
01:32:14 Sen. Tropila
01:32:28 Shauna Helfert
01:34:07 Chairman Balyeat
01:37:42 Shauna Helfert
01:39:12 Chairman Balyeat

ADJOURNMENT

Adjournment: 11:42 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT ([bus54aad.pdf](#))